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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,092	11/13/2003	Lawrence J. Karr	50037.0065USD4	9493
27488	7590	11/01/2006	EXAMINER	
MERCHANT & GOULD (MICROSOFT)			NGUYEN, DUC M	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	
			2618	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/714,092

Applicant(s)

KARR ET AL.

Examiner

Duc M. Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-33 and 44-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-33 and 44-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

This action is in response to applicant's response filed on 8/22/06. Claims 30-33, 44-59 are now pending in the present application.

### Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims **31-32, 51-52, 58** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 31-32, 51-52, 58, the claims recite the limitation of "adding" local content (or application) information to the broadcast data. Since broadcast data is a type of local content information and since the specification fails to describe the above limitation, it is not clear what "information" is referred to as "local content information" and how it is "added" to the "broadcast data", or what is included or excluded by the claim language, the claims are an omnibus type claim.

Further, it is noted that Applicant has never explain the "adding" limitation in his response filed on 8/22/06. Since the specification has never describe this "adding" limitation, it is respectfully requested that the specification be amended to provide a specific example of a "local content information" and/or "application information" which is "added" to the "broadcast data" in order to support and clarify the claimed limitations

as recited in claims 31-32, 51-52, 58. This would also enable/help the examiner to determine the best possible prior art for prosecuting this application.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims **30-33, 44-45, 49-59** are rejected under 35 U.S.C. 102(b) as being anticipated by **Kaiser (US 6,060,996)**.

Regarding claim **30**, **Kaiser** discloses a method of re-broadcasting data transmitted over an FM subcarrier (see col. 5, lines 17-37), comprising:

- receiving at a localcast transmitter said transmitted data (see col. 2, lines 23-40), wherein the mobile paging transceiver 130 would read on the "localcast transmitter";
- locally formatting said transmitted data for local-area wireless transmission (see col. 5, lines 17-37).
- retransmitting said locally formatting data to a local-area (see col. 2, lines 23-40 and Fig. 8)

Regarding claim **50**, the claim is rejected for the same reason as set forth in claim 30 above, wherein the mobile paging transceiver 130 would read on the "localcast transmitter", the pager 110 would read on the "mobile device".

Art Unit: 2618

Regarding claim **56**, the claim is rejected for the same reason as set forth in claim 30 above, wherein the paging network would inherently comprise a broadcast transmitter (see **Kaiser**, Fig. 1 regarding ref. 108).

Regarding claim **59**, the claim is interpreted and rejected for the same reason as set forth in claim 30 above.

Regarding claims **31-32, 51-52, 58**, the claims are rejected for the same reason as set forth in claim 30 above. In addition, it is noted that when re-transmitting data received from the paging network in the low power communication link to mobile devices as disclosed by Kaiser, the low power transceiver would need to decode the received broadcast data and then modulate the broadcast data in accordance with the frequency of the low power communication link. By doing so, the "header" of the re-transmitted data would comprise information such as the identification (ID) of the intended mobile, or low power communication protocols. This would read on adding the "local content" or "application" information to the broadcast data as claimed with the broadest reasonable interpretation, noting that the specification has never describe or clarify the claimed "adding" limitation.

Regarding claims **33, 53, 57**, the claims are rejected for the same reason as set forth in claim 30 above. In addition, since the mobile paging transceiver 130 is a "mobile device", this would read on the "first mobile device", the pager 110 would read on a "second mobile device" (see Fig. 1, noting that the mobile paging transceiver 130 is mounted on a "vehicle").

Art Unit: 2618

Regarding claims **54-55**, the claims rejected for the same reason as set forth in claim 33 above, wherein it is clear that two "mobile devices" would communicate to each other when they both are in a localcast mode (i.e, low power communication link).

Regarding claim **44**, the claim is rejected for the same reason as set forth in claim 30 above. In addition, it is clear that **Kaiser** would disclose the low power link uses a locally-unused FM frequency for retransmitting data in the local area (see col. 5, lines 16-37).

Regarding claim **45**, the claim is rejected for the same reason as set forth in claim 44 above. In addition, it is clear that **Kaiser** would disclose a controller be utilized as disclosed by for setting a desired transmission frequency, setting a desired transmission mode (i.e, localcast mode or broadcast mode), and signal power (i.e, low power link) as claimed (see col. 5, lines 17-37).

Regarding claim **49**, Kaiser would disclose generating an FM frequency output from the transmitted data as claimed (see col. 5, lines 17-37).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2618

6. Claims **46-48** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Kaiser** in view of **Chadwick** (US **5,168,271**).

Regarding claims **46-48**, the claims are rejected for the same reason as set forth in claim 30 above. In addition, since such features as recited in the claims (i.e, adding correlation, interleaving and format baseband samples) are known features of an encoder/modulator as disclosed by **Chadwick** (see Fig. 2 and col. 4, line 36 – col. 6, line 22), it would have been obvious to one skilled in the art at the time the invention was made to provide the encoder/modulator in Chadwick's teaching to the transceiver in Kaiser as well, for improving data reception errors.

***Response to Arguments***

7. Applicant's arguments with respect to claims 30-33, 44-59 have been considered but are moot in view of the new ground(s) of rejection.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for **formal** communications intended for entry)

(571)-273-7893 (for informal or **draft** communications).

Art Unit: 2618


Hand-delivered responses should be brought to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner  
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,  
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-  
4177.

Duc M. Nguyen, P.E.

Oct 28, 2006

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long horizontal line extending to the right.